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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Paul Martakos, *et al.*

Serial No.: 10/807,709

Filed: March 23, 2004

For: *METHOD FOR FORMING EXPANDABLE  
POLYMERS HAVING DRUGS OR AGENTS  
INCLUDED THEREWITH*

Attorney Docket No.: ATA-372

Group Art Unit: 1732

Examiner: Stephen J. Lechert Jr.

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Certificate of Express Mailing

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 466145845 US, in an envelope addressed to: MS Amendment Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

1/19/05

Date of Signature and of Mail Deposit

By:

Kevin J. Canning  
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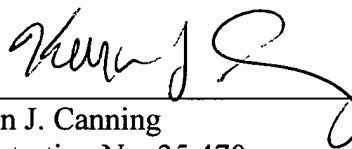
RESPONSE TO NON-FINAL OFFICE ACTION

Dear Sir:

In response to the Office Action of November 20, 2004, wherein the Examiner advances a provisional obviousness-type double patenting rejection directed toward pending claims 1-33 and 55-92 in view of co-pending Application No. 10/131,446, Applicant respectfully submits a Terminal Disclaimer filed in compliance with 37 CFM 1.321(c). Said terminal disclaimer is attached herein. In view of this timely filed terminal disclaimer,

Applicant respectfully submits that the pending application is herein in condition for allowance and urges the Examiner to pass the pending application to issue.

Respectfully submitted,  
LAHIVE & COCKFIELD, LLP

A handwritten signature in black ink, appearing to read "Kevin J. Canning", written over a horizontal line.

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Date: January 19, 2005  
KJC/VPL  
Enclosures